

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JASON WILLIAM HARVEY,)
)
Plaintiff,) 8:15CV102
)
V.)
)
NEBRASKA DEPARTMENT OF) **MEMORANDUM AND ORDER**
CORRECTIONAL SERVICES,)
NDCS, RANDY KOHL, Dr., Medical)
Director, and JULIE A. PEW, APRN,)
)
Defendants.)
)

On December 15, 2016, Plaintiff, who is proceeding in forma pauperis (“IFP”), filed an Interlocutory Appeal (Filing No. [31](#)) regarding the court’s Memorandum and Order entered on October 17, 2016. (Filing No. [26](#).) The Memorandum and Order dismissed Plaintiff’s official capacity claims against Defendant Randy Kohl, and dismissed Plaintiff’s claims against Defendant Julie Pew in their entirety for insufficient service of process.

Because Plaintiff previously received leave to proceed IFP, [Fed. R. App. P. 24\(a\)\(3\)](#) would ordinarily continue Plaintiff’s IFP status on appeal. However, [28 U.S.C. § 1915\(a\)\(3\)](#) states: “An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” Having considered the record in this action, I certify that this interlocutory appeal is untimely and not taken in good faith.

IT IS THEREFORE ORDERED that this court will not take further action on this appeal. The clerk of the court is directed to provide a copy of this Memorandum and Order to the Eighth Circuit Court of Appeals.

DATED this 29th day of December, 2016.

BY THE COURT:

S/ *Richard G. Kopf*
Senior United States District Judge